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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,399	12/31/2003	Joakim Gripemark	03370-P0069A	8990

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EXAMINER

BUTLER, DOUGLAS C

ART UNIT PAPER NUMBER

3683

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/750,399

**Applicant(s)**

GRIPEMARK, JOAKIM

**Examiner**

Douglas C. Butler

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The drawing filed Nov. 26, 2004 appears acceptable thus overcoming the objections to the drawings raised in the prior office action.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by newly cited Sandberg et al (048) which has an effective date of March 12, 2002.

Note the integrated sleeve and hub at Figs. 1-4 with sleeve/hub at 2 in Sandberg et al.

Claim 9 is not rejected herein since Sandberg et al lack the feature of claim 9 directed to "the sleeve ... sleeve" of claim 9, lines 1-4.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 02/073061 to Sandberg et al with an effective date of March 13, 2002.

Claim 9 is not rejected herein.

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6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daghigh et al (5507367) or Bodin et al (5540303) or Daghigh et al (5568846) or Daghigh et al (6330937) or Gotti et al (US2004/50632 A1) in view of Casey (4844206).

These references are all of record.

Gotti et al has an effective date of 11-27-2001.

Each one of the principal references discloses the invention as claimed with the exception of the use of a "fixed caliper".

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify each of the principal references to utilize a fixed caliper with slideable disks as opposed to using a slideable or Casey floating caliper as taught by Casey since such modification involves replacing one well known type of brake caliper with an equivalent type of brake caliper.

The assemblies operate in substantially the same manner with substantially the same effect. The use of a fixed caliper is sometimes beneficial since it uses fewer parts thus reducing costs. It is notoriously old to use brake disks that are keyed or splined to a sleeve or housing for brake actuation and for facilitate brake maintenance. See column 1, lines 6-9 of Casey.

7. Applicant's arguments with respect to the above rejection in paragraph 6 have been noted but are not convincing in that the sleeves of the references while not totally having a straight outer periphery are substantially straight which appears to meet the claimed recitation in claim 1, the last three lines.

Applicant argues that "fixed calipers" and "sliding calipers" are totally different types of disc brakes which is clearly not consistent with the prior art teachings. The difference between fixed and non-fixed calipers is not substantial in that one having ordinary skill in the art would recognize that the assemblies operate in substantially the same effect. The use of a fixed caliper is sometimes beneficial since it uses fewer parts thus reducing costs. It is notoriously old to use brake disks that are keyed or splined to a sleeve or housing for brake actuation and for facilitated brake maintenance.

Integrated hubs and sleeves on which brake disks slide are common.

Consider, for example, Brooks et al at column 1, lines 43-54 which discusses the use of one or the other types of calipers interchangeably. As stated by Brooks et al:

"The disc brake assembly illustrated in Fig. 1 is shown as being installed in conjunction with the rear wheel of the automotive vehicle. Thus, the wheel 100 is mounted on an axle hub 12, the axle 14 being mounted for rotation in suitable bearings 16 relative to the fixed axle housing 18. In the particular construction shown, the brake is of the fixed caliper type with a sliding rotor or disc. When desired the brake can as well be manufactured so as to utilize a sliding caliper and an axially fixed disc arrangement. The invention is also adapted to being utilized in a fixed caliper, fixed disc arrangement when opposed pistons are provided."

If applicant desires, the examiner will cite additional references which discuss the use of fixed and sliding calipers interchangeable based upon the vehicle and user's application of the brake caliper.

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8. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Severinsson et al (6,705,437).

Note Fig. 2 with sleeves 4.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker (6,705,434), newly cited, in view of Casey (4844206) and newly cited Brooks et al.

Bunker et al, newly<sup>ly</sup> cited, include an integrated sleeve/hub in Fig. 2 at 16, 16b, 20.

Bunker et al lack the "fixed caliper" feature of claim 1, line 1.

It would have been obvious at the time the invention was made to one having ordinary skill in the art to which the invention pertains to modify the principal reference to Bunker et al (434) to utilize a fixed caliper with slideable disks as opposed to using a slideable similar to that of Casey floating caliper ~~as taught by Casey~~ as taught by Brooks et al since such modification involves replacing one well known type of brake caliper with an equivalent type of brake caliper.

The assemblies operate in substantially the same manner with substantially the same effect. The use of a fixed caliper is sometimes beneficial since it uses fewer parts thus reducing costs. It is notoriously old to use brake disks that are keyed or splined to a sleeve or housing for brake actuation and for facilitated brake maintenance.

Integrated hubs and sleeves on which brake disks slide are common.

See the previous discussion of Brooks et al, newly cited.

10. Re the newly cited and applied references, applicant's arguments are moot in view of the new ground of rejection. *Note attached STIC translations.*

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11. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number 703-308-2575.

 2/26/05

DOUGLAS C. BUTLER  
PRIMARY EXAMINER

AU 3683

Butler/vs  
February 22, 2005